

Application No.: 10/032,279Docket No.: 2328-059**REMARKS**

Claims 22, 26, 37 and 52-65 are canceled. Claims 21, 22 and 26 are combined, claims 33 and 36 are combined and claim 44 has been amended.

The claims have been amended to overcome the antecedent problems regarding "the another electrode" and the Examiner's kind suggestion anent "the first electrode" has been adapted. Claims 27 and 38 have been amended to define "a geometry" for antecedent purposes. The use of "excitation region geometry" in combination with function language is not vague and definite under 35 USC 122, ¶2. There is nothing inherently wrong with defining some part of an invention in functional language. Functional language, in and of itself, does not render a claim improper. *In re Swinehart* 449 F.2d 210, 159 USPQ 226 (CCPA 1971); MPEP Section 2173.05(g). Hence the rejection of claims 27-30 and 38-41 in item 10, page 3 of the office action is in error.

Claim 21, as amended, distinguishes over the art of record by requiring

first and second surfaces at the reference potential, the first surface being located between the louvers and the electrode for carrying the workpiece, the second surface being located between the louvers and the first electrode.

Claim 33, as amended, distinguishes over the art of record by requiring:

the plasma excitation region including first and second surfaces at the reference potential, the first surface being located between the louvers and the electrode for carrying the workpiece, the second surface being located between the louvers and the first electrode.

Claim 44, as amended, distinguishes over the art of record by requiring a plasma excitation region including:

(a) a first electrode for electrical coupling with gas in the region and for connection to a first relatively high RF frequency source, (b) a second electrode for carrying the workpiece and electrical coupling with gas in the region and for connection to a second relatively low frequency RF source and a third electrode entirely within the region and connected to a

Application No.: 10/032,279Docket No.: 2328-059

reference potential.


The Examiner relies on electrode portions 304(a) and 304(b) of Lenz (US 5,998,932) and rings 222 of Li et al (US 6,178,919) to disclose the foregoing features. However, an inspection of Lenz and Li et al indicates the Examiner's reliance on these references for these features is incorrect. Electrode portions 304(a) and 304(b) and rings of 222 of Li et al are not within the confinement region.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP


Allan M. Lowe
Registration No. 19,641

Customer Number: 22429
1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: July 19, 2004
AML/pjc

REGISTRATION OF FACSIMILE TRANSMISSION
CERTIFY THAT THIS PAPER IS BEING FACSIMILE-
TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE
ON THE DATE SHOWN BELOW
Pamela Cei
OR PRINT NAME OF PERSON SIGNING CERTIFICATION
Pes 07/19/04
SIGNATURE DATE
703 872 9506
FACSIMILE NUMBER